claim 6. Since claim 6 is patentable over the applied prior art, as presented below, Applicant has not rewritten claim 26 in independent form at this time.

Applicant notes with appreciation that the Office Action again indicates that the drawings filed on May 21, 2001 are acceptable.

Applicant notes with appreciation that the Office Action again acknowledges the claim to priority and indicates that the certified copies of the priority documents have been received.

II. PRIOR ART REJECTIONS

A. Claims 1, 7 and 13

Claims 1, 7 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Carleton (U.S. Publication No. 2001/0044840 A1) in view of Branton, et al. (U.S. Patent No. 5,870,558). This rejection is traversed

The Examiner combines Carleton with Branton, relying on Branton for the alleged teaching of a system for network monitoring which includes an interconnecting unit and a receiving unit which receives a communication state of the interconnecting unit, wherein the receiving unit interconnects communication devices in the network. The Examiner asserts that it would have been obvious to include the teachings of Branton in the system of Carleton in order to provide a network monitoring system that can collect network fault information and performance information by conventional mechanisms.

Carleton is directed to a method of monitoring and surveillance of a computer network according to a set of business rules. The method of Carleton applies business rules to the network monitoring so that designated users are notified according to user-defined escalation levels when a device violates a business rule. For example, if a

network operator does not respond within a given time after being notified by an e-mail alert, the alert is escalated to a higher level of urgency, such as notification by phone or pager (see Figs. 16-18). The escalation of the alert levels makes it possible to give a problem an increasing level of attention.

Applicant submits that neither Carleton nor Branton teaches or suggests to display information based on a comparison of received network information with a display condition, as defined in independent claims 1, 7 and 13. Also, Applicant submits that neither Carleton nor Branton teaches or suggests a network monitoring apparatus that allows a user to set display information defining the information to be displayed and to monitor an amount of information flowing along an interconnecting device of a network.

Further, Applicant submits that the Examiner has combined various features of the prior art system taught by Branton (Fig. 1) and the invention of Branton (columns 5, 6 and 7) without providing reasons why it would have been obvious to combine these sections of completely different inventions. The Examiner has effectively relied on two different references (prior art of Branton and Branton) without providing any reasons why it would have been obvious to combine the features of these two references. Therefore, Applicant submits that the Examiner has failed to set forth a prima facie case of obviousness.

As mentioned above, the Examiner asserts that it would have been obvious to include the teachings of Branton in the system of Carleton in order to provide a network monitoring system that can collect network fault information and performance information by conventional mechanisms. However, Applicant submits that the system disclosed by Carleton already includes conventional mechanisms (see Fig. 1). Therefore, the reasoning of the Examiner is flawed, and there is no motivation to combine Branton with Careleton.

Therefore, in sum, Applicants submit that the combination of Carleton and Branton does not form the invention defined by independent claims 1, 7, and 13, and the Examiner has not set forth cogent reasons why one skilled in the art would combine the sections of Branton and Carleton. Thus, Applicant submits that the rejection of these claims under 35 U.S.C. § 103(a) is improper.

B. Claims 2-6, 8-12 and 14-21

Claims 2-6, 8-12 and 14-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Carleton in view of Branton as applied to claim 1, 7 and 13, and further in view of U.S. Patent No. 5,974,237 (Shurmer). This rejection is traversed.

Applicant submits that Shurmer fails to make up for the above-noted deficiencies of Carleton and Branton. Therefore, since the combination of Carleton, Branton and Shurmer fails to form the invention defined by claims 2-6, 8-12 and 14-21, Applicant submits that the rejection of claims 2-6, 8-12 and 14-21 under 35 U.S.C. § 103(a) is improper.

Therefore, Applicant submits that the present application is now in condition for allowance. If the Examiner believes that any of the outstanding issues could be resolved through a telephone interview, Applicant kindly requests the Examiner to contact the undersigned at the number below.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

Date: October 23, 2003
Customer No.: 21874

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